FOR MYSORE STATE

II-27—40,000—27-10-52.

Home (1949) Department.

Ms. SERIES.

Part (2)

G.O. No. 4742

Dated 28-11-49

[Despatch Abstract.]

Criminal Justice — Entrustment of preliminary enquiries in murder cases to addl. first class Magistrates — Proposals Delayed — Delays in Committals — Instructions issued

GOVERNMENT OF MADRAS.
Abstract.

Criminal Justice - Entrustment of preliminary enquiries in murder cases to Additional First Class Magistrates - Proposal deferred - Delays in committals - Instructions issued.

HOME DEPARTMENT

G.O. Ms. No. 4742. Dated the 28th November 1949.

Read:-

G.O. No. 985, Judicial, dated 15th June 1911.
G.O. No. 108, Miscellaneous Public dated 15.2.1926.
G.O. No. 2484, Law (General) dated 12th June 1930.
G.O. No. 44, Home, dated 4th January 1940.
G.O. No. 4750, Home, dated the 26th November 1940.
G.O. No. 1800, Home, dated 31st July 1943.
From the High Court, Madras, R.O.C. No. 1735/40/B1. dated 16th April 1949.
From the Board of Revenue, Board's Proceedings (Routine) No. 3317(c) dated 15th June 1949.

Order:-

The Government have decided to defer for the present the proposal to entrust to Additional First Class Magistrates the preliminary enquiry in cases relating to murder.

2. The Government observe that notwithstanding repeated instructions and exhortations delays are still noticed in preliminary enquiries in murder cases. Piecemeal examination of witnesses, failure to hear the case as far as practicable from day to day, and absence of witnesses or the police prosecuting staff on the dates fixed for the hearing of cases, are causes that contributed to such delays. The necessity for conducting preliminary enquiries expeditiously in murder cases is obvious. It is not fair to keep an individual accused of the most serious offence in the Indian Penal Code in suspense longer than is absolutely necessary. The District Magistrates are requested to bring to the notice of the subordinate magistrates that delays and pendencies in criminal cases, particularly in P.R. cases, will be viewed very seriously. When Sub Divisional Magistrates inspect courts they should particularly verify the cause of delay in every case where one month has elapsed after the charge sheet has been filed.

3. The Inspector-General of Police is requested to instruct the police staff concerned to give due preference to committal work and not to cause any unnecessary delay in the hearing of cases.

(By Order of His Excellency the Governor).

S.A. Iyengar,
Deputy Secretary to Govt.

To
The Hon'ble the Chief Justice, High Court, Madras.
The Board of Revenue, Madras.
The Inspector-General of Police, Madras.
All District Magistrates.
The Commissioner of Police, Madras.
The Chief Presidency Magistrate, Madras.
Copy to the Public (G. General) Department.

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/True copy/

Superintendent,
Madras Record Office.

k.y.s. 30.6.